

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BEN KUMM; GLEN R. KUMM; JANICE  
KUMM and DEANN KUMM, individually  
and as co-personal representatives of  
the ESTATE OF GAYLORD KUMM;  
ESTATE OF GAYLORD KUMM; and  
STARR KUMM n/k/a Starr Wallace,

Plaintiffs,

v.

PHOENIX LIFE INSURANCE COMPANY  
and PHL VARIABLE INSURANCE  
COMPANY,

Defendants.

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SUN LIFE ASSURANCE COMPANY  
OF CANADA,

Plaintiff,

v.

JANICE KUMM AND DEANN KUMM,  
as co-personal representatives of  
the ESTATE OF GAYLORD KUMM;  
DEANN KUMM, individually; ESTATE  
OF GAYLORD KUMM; BEN KUMM,  
individually, GLEN R. KUMM,  
individually; and STARR KUMM n/ka  
Starr Wallace, individually,

Defendants and  
Third-Party Plaintiff,

v.

GERALD BRYCE, JAMES GRENDALL,  
BRYAN REIL, and PARADIGM  
FINANCIAL SERVICES, LLC,

Third-Party Defendants.

8:08CV368

ORDER

8:08CV290

This matter is before the court on the motion for an immediate progression hearing regarding status of deposition and consolidation by the Defendants/Third Party Plaintiffs in Case No. 8:08CV290 and the Plaintiffs in Case No. 8:08CV368 (Filing No. 136 in 8:08CV290; Filing No. 71 in 8:08CV368). The court held a telephone conference with counsel on August 24, 2009. Counsel for all parties participated.

The parties requested the deconsolidation of these matters to accommodate scheduled depositions. There being no objection, these cases are ordered deconsolidated and the court's order of August 17, 2009 (Filing No. 128 in Case No. 8:08CV290 and Filing No. 69 in Case No. 8:08CV368) is vacated.

**IT IS SO ORDERED.**

DATED this 24th day of August, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge